

BURR RIDGE VILLAGE CODE

CHAPTER 25

LIQUOR CONTROL

<u>Sec. 25.01.</u>	<u>Definitions.</u>
<u>Sec. 25.02.</u>	<u>License Required.</u>
<u>Sec. 25.03.</u>	<u>Applications for License.</u>
<u>Sec. 25.04.</u>	<u>Approval, Denial of Application.</u>
<u>Sec. 25.05.</u>	<u>Issuance of License.</u>
<u>Sec. 25.06.</u>	<u>Renewals of License.</u>
<u>Sec. 25.07.</u>	<u>Posting License and Warning.</u>
<u>Sec. 25.08.</u>	<u>Dram Shop Insurance.</u>
<u>Sec. 25.09.</u>	<u>Class of Licenses - Number of Licenses - Hours.</u>
<u>Sec. 25.10.</u>	<u>Restriction on licenses.</u>
<u>Sec. 25.11.</u>	<u>Fees - Term.</u>
<u>Sec. 25.12.</u>	<u>Payment of Fees.</u>
<u>Sec. 25.13.</u>	<u>Initial License Expense.</u>
<u>Sec. 25.14.</u>	<u>Location.</u>
<u>Sec. 25.15.</u>	<u>Change of Location.</u>
<u>Sec. 25.16.</u>	<u>Transfer of License.</u>
<u>Sec. 25.17.</u>	<u>Licensing of Premises for Which License is Revoked.</u>
<u>Sec. 25.18.</u>	<u>Cessation of Business.</u>
<u>Sec. 25.19.</u>	<u>Liquor Control Commissioner.</u>
<u>Sec. 25.20.</u>	<u>Powers of Liquor Control Commissioner.</u>
<u>Sec. 25.21.</u>	<u>Inspection.</u>
<u>Sec. 25.22.</u>	<u>Health and Sanitary Requirements.</u>
<u>Sec. 25.23.</u>	<u>Health of Employees - Certificates.</u>
<u>Sec. 25.24.</u>	<u>Selling to Unfit Persons.</u>
<u>Sec. 25.25.</u>	<u>Purchase by Minor.</u>
<u>Sec. 25.26.</u>	<u>Minor Misrepresenting Age.</u>
<u>Sec. 25.27.</u>	<u>Limitation on Sale of Alcoholic Beverages.</u>
<u>Sec. 25.28.</u>	<u>Conduct of Licensee.</u>
<u>Sec. 25.29.</u>	<u>Parent or Guardian.</u>
<u>Sec. 25.30.</u>	<u>Acts of Agent or Employer.</u>
<u>Sec. 25.31.</u>	<u>Sale, Consumption or Delivery on Government-owned or Controlled Property.</u>
<u>Sec. 25.32.</u>	<u>Misrepresentation of Alcoholic Beverages.</u>
<u>Sec. 25.33.</u>	<u>Revocation and Suspension of License - Procedure.</u>
<u>Sec. 25.33(A)</u>	<u>Disqualification and Suspension of Manager – Procedure</u>
<u>Sec. 25.34.</u>	<u>Other Ordinances and Laws to Apply.</u>
<u>Sec. 25.35.</u>	<u>Penalty.</u>
<u>Sec. 25.36.</u>	<u>Liquor Sales on Election Day.</u>
<u>Sec. 25.37.</u>	<u>Village Hearings - Testimony Required.</u>
<u>Sec. 25.38.</u>	<u>Persons Ineligible for License.</u>
<u>Sec. 25.39</u>	<u>Inapplicability of Chapter to Certain Types of Alcohol</u>
<u>Sec. 25.40</u>	<u>Sales in Certain Areas Prohibited</u>
<u>Sec. 25.41</u>	<u>Happy Hours Prohibited</u>
<u>Sec. 25.42</u>	<u>Safety Provisions</u>
<u>Sec. 25.43</u>	<u>Appeals</u>

Sec. 25.01.

Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates require a different meaning.

ALCOHOL - The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

ALCOHOL LIQUOR – Includes alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being.

BEER – A beverage obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water, and includes among other things, beer, ale, stout, lager beer, porter, and the like.

CLUB – A group of persons or a corporation organized under the laws of this state, not for pecuniary profit, or organized solely for the promotion of some common object other than the sale of or consumption of alcoholic liquors, which is kept, used, and maintained by its members and owns, hires, or leases a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests and is provided with suitable and adequate kitchen and dining room space and equipment. However, such a club shall file with the Local Liquor Control Commissioner at the time of its application for an original license or renewal thereof, a list of the names, resident addresses, and phone numbers of its officers and members. Its affairs and management shall be conducted by a board of directors, executive committee, or similar board chosen by the members at their annual meeting. No member or any officer, agent, or employee of the club shall be paid or directly or indirectly receive, in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club, the members of the club, or its guests introduced by members, beyond the amount of such salary as may be fixed and voted on at an annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club.

CONSUMPTION SALES – The sale or offering for sale at retail of any alcoholic liquor for consumption on the premises where sold.

ORIGINAL PACKAGE – Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatever used, corked, capped, sealed, and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor.

PACKAGE SALES – The sale or offering for sale at retail of alcoholic liquor in the original package and not be consumed or in fact consumed in whole or in part on the premises where sold.

PERSON – A natural human being, or any applicant or licensee hereunder even if such applicant or licensee is a group of persons, a partnership, co-partnership, limited liability company or a corporation unless the context of its use clearly indicates it is limited to a natural human being.

RESTAURANT – Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, and whose primary business remains the service of food, and without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food

for its guests.

RETAILER – A person, group of persons, partnership, or corporation who sells or offers for sale, alcoholic liquor for use or consumption and not for resale in any form.

SALE – Any transfer, exchange, or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates for a consideration, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee, and further includes dispensing, pouring, mixing or otherwise serving alcoholic liquors. (amended by A-222-01-10)

SELL OR SALE AT RETAIL, SELL AT RETAIL, AND SALE AT RETAIL – refer to and mean sales for use or consumption and not for resale in any form.

SERVICE OF FOOD – The service of meals for consumption only on the premises in an adequate and sanitary kitchen as defined in any appropriate health or food service ordinance of the village. The meals must consist of more than the service or sale of packaged foods such as potato chips, pretzels, peanuts, cheese and crackers, or frozen or premade foods, such as pizzas, hamburgers, or sandwiches which can be prepared by being heated or warmed in an oven. The meals must be actually and regularly served and eaten at tables and not only at a bar or counter.

SPIRITS – Any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whiskey, gin, vodka, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.

TO SELL – Shall include keeping or exposing for sale and keeping with intent to sell.

WINE – Any alcoholic beverage obtained by fermentation of the natural contents of fruits or vegetables containing sugar, including such beverages when fortified by the addition of alcohol or spirits as above defined.

OTHER DEFINITIONS – Any term not defined above but defined in 235 ILCS 5/1-3 *et. seq.* and used in this chapter shall be deemed to have the same definition as contained in 235 ILCS 5/1-3 *et. seq.* unless the context clearly indicates otherwise.

Sec. 25.02.

License Required

No person, group of persons, partnership, or corporation, limited liability company or any other entity shall sell or offer for sale at retail, draw, pour, mix, dispense or otherwise serve (hereinafter collectively referred to as “sale”, “sold”, “sell” or “offered for sale”) any alcoholic liquors within the village without first having obtained a liquor license as herein provided. Each separate place of business or location wherein alcoholic liquor shall be sold or offered for sale, drawn, poured, mixed, dispensed or otherwise served shall have a separate license. (amended by A-222-01-10)

Sec. 25.03.

Applications for License

Applications for such licenses shall be made to the Liquor Control Commissioner in writing, signed by the applicant, if an individual, or by a duly authorized agent of the applicant if the applicant is a club, a duly authorized officer or shareholder of a corporation if the applicant is a corporation, a duly authorized member if the applicant is a limited liability company, or by a person entitled to share in the profits of the applicant if the applicant is a copartnership (provided, however, such person shall also be a partner thereof). The application must be verified by oath or affidavit, and

shall contain the following information and statements:

- A. The applicant's name, sex, age, date of birth, social security number, position and percentage of ownership in the business; and the name, sex, age, date of birth, social security number, position and percentage of ownership in the business of every sole owner, partner, corporate officer, director, member of any limited liability company, manager and any person who owns 5% or more of the shares of the applicant business entity or parent corporation(s) of the applicant business entity.
- B. The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
- C. In case of a limited liability company, corporation or a club, the object for which it was organized, a list of the names, resident address, and phone numbers of its officers, directors, shareholders, and members, and a certified copy of the articles of incorporation, certificate of organization, and/or charter.
- D. In case of a co-partnership, the date of the formation of the partnership; in the case of an Illinois corporation, the date of its incorporation; in the case of a limited liability company the date of its organization in Illinois under the Limited Liability Company Act; or in the case of a foreign corporation, the State where it was incorporated and the date of its becoming qualified under the Business Corporation Act of 1983 to transact business in the State of Illinois.
- E. The name, character and address of the business of the applicant
- F. The location and description of the premises or place of business which is to be operated under the license, including the number of bars to be operated thereon.
- G. A statement whether the applicant has made any other application for a similar license on premises other than described in this application, and the disposition of that application. Such statement shall include any other application which the applicant was in any way involved with regardless of the name, structure, or the like of the business entity. If any license was denied the applicant shall include the reasons therefore.
- H. The number, the date of issuance and the date of expiration of the applicant's current local retail liquor license issued in either the village or issued by any county or other municipality.
- I. The name of the city, village, or county that issued the local retail liquor license (if other than the Village of Burr Ridge)
- J. The name and address of the landlord of any premises that are leased in any other municipality or county in which the applicant has another local retail liquor license.
- K. The date of the applicant's first request for a State liquor license and whether it was granted, denied or withdrawn.
- L. The address of the applicant when the first application for a State liquor license was made.
- M. The applicant's current State liquor license number.
- N. The date the applicant began liquor sales at his place of business.

- O. The applicant's Retailer's Occupation Tax (ROT) Registration Number.
- P. Whether the applicant is delinquent in the payment of the Retailer's Occupational Tax (Sales Tax), and if so, the reasons therefore.
- Q. Whether the applicant is delinquent under the cash beer law, and if so, the reasons therefor.
- R. In the case of a retailer, whether he is delinquent under the 30 day credit law, and if so, the reasons therefore.
- S. Whether the applicant possesses a current Federal Wagering Stamp, and if so, the reasons therefore.
- T. Whether the applicant, or any other person, directly in his place of business is a public official, and if so, the particulars thereof.
- U. If applicable, the date of the filing of the "assumed name" of the business with the County Clerk.
- V. A statement whether the applicant or any owner, partner, member or manager of the applicant, has ever been convicted of either a misdemeanor or a felony and whether any such individual or entity is disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or other ordinances of the village, and if so the particulars thereof.
- W. Whether a previous license by any state or subdivision thereof, or by the federal government has been suspended or revoked, and the reasons therefore.
- X. A statement that the applicant will not violate any of the laws of the state, the United States, or any ordinances of the village in the conduct of his place of business.
- Y. The class of license desired by the applicant.
- Z. Whether the applicant owns the premises for which a license is sought, and if he does not, the name of his landlord and the period of his lease. A complete and correct copy of the lease is to be attached to the application.
- AA. Whether or not the applicant intends to manage and conduct the business in person, and if not, the name of the manager or agent who is to conduct the business to be carried on the premises for which the license is sought.
- BB. A statement that the applicant will be required to and shall require all officers, agents, and employees of the applicant to testify (subject to constitutional limitations) at any hearing that may be called by the village or any of its committees, commissions, boards, or agencies, or the Local Liquor Control Commissioner, relating, directly or indirectly, to any events or occurrences of which they may have knowledge arising out of their position as officer, agent, or employee of the licensee. In addition, a statement that the applicant has so informed all officers, agents, and employees, and has made the same a condition of employment for all employees.
- CC. Every application for a license, whether new or renewal, where the real estate title of the

premises is in a trust, shall be accompanied by the sworn affidavit of the land trustee or a beneficiary of the trust, disclosing the names, residence addresses and beneficial interest of each beneficiary of the land trust.

- DD. In addition to the foregoing information, the application shall contain such other information as the Local Liquor Control Commissioner may prescribe.
1. In case the application is made by a partnership, all partners must sign the application and the information required by this chapter shall be furnished as to each partner.
 2. In case the applicant is a corporation, the application shall be signed by the president and secretary of the corporation and the corporate seal shall be affixed.
 3. In case the applicant is a limited liability company, the application shall be signed by the manager of the limited liability company and, if the manager is not also a member, then the application must also be signed by a member.
 4. Every application for a license, whether new or renewal, where the real estate title of the premises is in a trustee, shall be accompanied by the sworn affidavit of the land trustee or a beneficiary of the trust, disclosing the names, residence addresses, and beneficial interest of each beneficiary of the land trust.
 5. The applicant must also provide a letter of intent indicating the type and nature of the applicant's business, and the types of activities to be conducted on the licensed premises. Any basic change in the activities to be conducted or the type and nature of the premises or business must be submitted to the Local Liquor Control Commissioner for approval.
 6. Every application for a license, whether new or renewal, shall be accompanied by a copy of the applicant's policy of dram shop insurance written by a responsible insurance company authorized and licensed to do business in Illinois insuring such applicant against liability as required under 235 ILCS § 5/1-1 et. seq., as amended from time to time. The applicant shall keep such policy of insurance in full force and effect during the term of the license (and any renewals), or shall provide a suitable substitute policy and each such policy shall contain a provision that such cannot be cancelled without thirty (30) days prior written notice to the Local Liquor Control Commissioner of the Village
 7. Every application for a license, whether new or renewal, shall be accompanied by a supplemental application signed by each manager employed by the licensee to manage the license premises and all business operations on the licensed premises. Such supplemental application shall be in writing, verified by oath or affidavit, and shall contain the following information and statements: (Section 7 added by A-222-03-08)
 - a. The manager's name, sex, age, date of birth and social security number.
 - b. The citizenship of the manager, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
 - c. A statement whether the manager has made any other application, either as owner or manager, for a similar license on premises other than described in the supplemental application, and the disposition of that application. Such statement shall include any other application which the manager was in any way involved with regardless of what entity was the proposed licensee under

the application. If any such license was denied, the manager shall include the reasons therefore.

- d. The number, date of issuance and date of expiration of any current local retail liquor licenses issued to the manager by any county or other municipality, and the name of such county or other municipality.
 - e. If the manager has ever requested a state liquor license, the date of the first request for such license and whether it was granted, denied or withdrawn, and the address of the manager when the first application was made.
 - f. The manager's current state liquor license number, if applicable
 - g. Whether the manager possesses a current Federal Wagering Stamp, and if so, the reasons therefore.
 - h. Whether the manager is a public official, and if so, the particulars thereof.
 - i. A statement whether the manager has ever been convicted of either a misdemeanor or a felony and whether any such manager is disqualified to receive a license by reason of any matter or thing contained in this Chapter, the laws of this state, or other ordinances of the Village, and if so the particulars thereof.
 - j. Whether a previous license issued to the manager by any state or subdivision thereof, or by the Federal government, has ever been suspended or revoked and the reasons therefore.
 - k. A statement that the manager will not violate any laws of the state, the United States or any ordinance of the Village in the conduct of the business at the license premises.
 - l. The name of any other persons employed to manage the business to be carried on in the premises for which the license is sought.
 - m. A statement that the manager will be required to and shall require all agents and employees to testify (subject to constitutional limitations) at any hearing that may be called by the Village or any of its committees, commissions, boards, or agencies, or the Local Liquor Control Commissioner, relating, directly or indirectly, to any events or occurrences of which they may have knowledge arising out of their position as officer, agent or employee. In addition, a statement acknowledging such requirement and indicating that the manager has informed all agents and employees, and has made the same a condition of employment for all employees.
 - n. In addition to the foregoing, the supplementary application shall contain such further information as the Local Liquor Control Commissioner may prescribe.
8. If during any license year there is any change in the manager(s) of the licensee, a new supplementary application signed by each new manager must be filed in writing, verified by oath or affidavit, and containing the same information as required under paragraph 7 above. (Section 8 added by A-222-03-08)

9. Every application for a license shall include a signed acknowledgement from the applicant to the statement that the applicant has read and understands the provisions of Subsection M of Section 25.28 prohibiting campaign contributions to elected officials of the Village, and the responsibility of the licensee to ensure compliance with the following prohibition:

Prohibition on Campaign Contributions. Any person, applicant, liquor manager or entity listed on a Village of Burr Ridge liquor license application which has been approved or is currently pending is prohibited from directly or indirectly making campaign contributions as defined in Section 9-1.4 of the Illinois Election Code (10 ILCS 5/9-1.4) and applicable regulations (26 Ill. Adm. Code Part 100), to elected officials of the Village of Burr Ridge. This prohibition does not apply to Class I Special Event Retailer licenses under this Code. (Section 9 added by A-222-01-13)

.Sec. 25.04.

Approval, Denial of Application

All applications and supplementary applications for licenses under this chapter shall be delivered by the Village Clerk to the Local Liquor Control Commissioner. It shall be the duty of the Local Liquor Control Commissioner to investigate and consider all applications and supplementary applications. For this purpose the Local Liquor Control Commissioner may enlist the aid of the Chief of Police and any other village officials or employees that he deems necessary to complete the investigation. The investigation shall include a background search and credit check. At any time during the pendency of any such application(s) the Local Liquor Commissioner shall have the right to compel the applicant to submit to any examination and to produce any books and records which, in the judgment of the Local Liquor Commissioner, are material to the determination of whether the applicant is qualified to receive a license or manage the business on the licensed premises (as the case may be) under the provisions of this Code, or whether the premises sought to be licensed are suitable for such purposes. The Local Liquor Commissioner shall also have the right to require the applicant to answer any charges made in any objection to the issuance of the license made by the chief of police, a prosecuting official, or by the sheriff or prosecuting attorney of the county relative to the same. The failure of any applicant to appear at the time and place fixed by the Local Liquor Commissioner for his examination or to produce books and records when requested, unless for good cause shown, shall be deemed to be an admission that the applicant is not qualified to receive a license and/or not qualified to be a manager, as the case may be, and, therefore, a basis for denial of the license or disqualification of the proposed manager, as the case may be. (amended by A-222-03-08)

Upon completion of the investigation, the Local Liquor Control Commissioner shall approve or disapprove the issuance of a license and/or designation of the manager based on the application(s), provided, in the case of approval, that there exists an available license as set forth in § 25.09. (amended by A-222-03-08)

Sec. 25.05.

Issuance of License

All applications for licenses shall be kept on file in the office of the Liquor Control Commissioner, and fees for all licenses shall be paid to the Village Collector who shall certify to the Liquor Control Commissioner the names and addresses of all licenses paying fees to him together with the class of license for which payment is made and thereupon said Liquor Control Commissioner shall issue the license provided for in this Chapter to all applicants who have complied with all the requirements of this Chapter and other applicable laws. Provided, however, no license shall be

issued to any person ineligible to receive the same under this Chapter or the laws of the State of Illinois, as amended from time to time.

Further provided, however, the Local Liquor Control Commissioner may, as a condition to the issuance of any liquor license, impose such conditions and restrictions upon each license as the Local Liquor Control Commissioner may deem necessary to insure that operation of the liquor establishment shall not be harmful to the safety, morals and welfare of the community. The conditions imposed upon each liquor license shall be enumerated upon said license and shall be displayed at all times in a prominent place in such establishment and shall reiterate in detail such conditions.

Sec. 25.06.

Renewals of License

Each license required by this Chapter shall terminate on April 30 next following its issuance. No part of a license fee will be refunded if the license is revoked by the Liquor Commissioner.

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided, further, that the renewal privilege herein provided for shall not be construed as vested right which shall in any case prevent the President and Board of Trustees from decreasing the number of licenses to be issued within its jurisdiction.

Application for renewal of license shall be filed with the Village Clerk on or before April 15th preceding the expiration thereof. Such application for renewal shall be made under oath and shall be upon an application form prepared by the Village.

The renewal application shall contain a certification that all information contained in the applicant's prior or initial application is still true and correct except as indicated otherwise on the renewal application form. The applicant's initial or prior application must be attached to the renewal application and the applicant must furnish any additional material in support of the application as deemed necessary by the Village. If the owner or principle type of business has changed in any respect, a new license will be required.

Each application for renewal shall be treated and considered in the same manner as hereinabove provided for original applications for license. (A-222-2-89)

Each application for renewal shall also include a renewal supplementary application signed by any manager of the business conducted on the licensed premises and containing the same information as the original supplementary application. (amended by A-222-03-08)

Sec. 25.07.

Posting License and Warning

Every licensee shall cause his license or licenses to be framed and hung in plain view in a conspicuous place on the licensed premises and adjacent to or attached to each separate bar on the licensed premises, including movable and/or other type of service bars, regardless of where such bars are located.

In every tavern or other place in the Village where alcoholic liquor is sold, there shall be displayed at all times in a prominent place next to each bar therein a printed warning which shall read substantially as follows:

"WARNING - You are subject to a fine up to Five Hundred Dollars (\$500.00) under the

ordinances of the Village of Burr Ridge if you purchase alcoholic liquor when under the age of 21 years, or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor."

Sec. 25.08.

Dram Shop Insurance

No license shall be granted to any applicant until such applicant shall furnish the Liquor Control Commissioner with a copy of a policy of dram shop insurance written by a responsible insurance company authorized and licensed to do business in the State of Illinois insuring such application against liability as required under the provision of 235 ILCS § 5/1-1 et. seq. as amended from time to time, and in the maximum amounts provided in 235 ILCS § 5/1-1 et. seq.

Sec. 25.09.

Classes of Licenses - Number of Licenses - Hours

Retail liquor licenses shall be divided into classes as follows: (for each class of license the terms "retail sale", "selling", "sale", "sell" and/or "offer to sell" shall include dispensing, pouring, mixing or otherwise serving any alcoholic liquor regardless of whether there is any type of compensation.)"
(amended by A-222-01-10)

- A. **Class A**--License shall be issued for the period of one year and shall be issued only to such civic, benevolent, fraternal, patriotic, social or other organizations that qualify as a not-for-profit corporation under the General Corporations Not-For-Profit Act of the State of Illinois. A Class "A" license shall permit the sale of any and all alcoholic liquor as defined herein by the drink only and for consumption on the premises where sold subject to the other terms and conditions of this Code. It shall be lawful for any Class "A" licensee to keep open for business and admit the public to such premises each day of the week, Sundays included; provided, however, that no person shall sell, dispense or pour, or give away any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M. on weekdays, and between 2:00 A.M. and 6:00 A.M. on Saturdays, and between the hours of 2:00 A.M. and 11:00 A.M. on Sundays; provided further, however, that on January 1st of each year while this Chapter is in effect alcoholic liquor may be sold at retail pursuant to the terms of this Chapter until 4:00 A.M.; provided further, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times.
- B. **Class B**--License shall be issued for a period of one year to any person or persons, organization, association, partnership or corporation that does not qualify for a Class "A" license. A Class "B" license shall permit the sale of any and all alcoholic liquor as defined herein by the drink only and for consumption on the premises where sold subject to the other terms and conditions of this Code. It shall be lawful for any Class "B" licensee to keep open for business and admit the public to such premises each day of the week, Sundays included; provided, however, that no person shall sell, dispense or pour, or give away any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M. on weekdays, and between 2:00 A.M. and 6:00 A.M. on Saturdays, and between the hours of 2:00 A.M. and 11:00 A.M. on Sundays; provided further, however, that on January 1st of each year while this Chapter is in effect alcoholic liquor may be sold at retail pursuant to the terms of this Chapter until 4:00 A.M.; provided further, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times.
- C. **Class C**--License shall be issued for a period of one year to any person or persons, organization, association, partnership, or corporation that does not qualify for a Class "A"

license. A Class "C" (formerly "BB") license shall permit the sale of any and all alcoholic liquors as defined herein by the drink only and for consumption on the premises where sold subject to the other terms and conditions of this Code. With respect to establishments holding Class "C" licenses, it shall be lawful to keep open for business and to admit the public to such premises each day of the week, Sundays included; provided, however, that no person shall sell, dispense or pour, or give away any alcoholic liquors between the hours of 2:00 A.M. and 6:00 A.M. on weekdays, and between the hours of 4:00 A.M. and 6:00 A.M. on Saturdays, and between the hours of 4:00 A.M. and 11:00 A.M. on Sundays; provided, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times.

- D. **Class D**--License shall be issued for twenty-four (24) hours only. A Class "D" (formerly "C") license shall permit the sale of any and all alcoholic liquor as defined herein by the drink only and for consumption on the premises where sold for a twenty-four (24) hour period only; provided, however, that no person shall sell, dispense or pour, or give away any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M. on weekdays, and between 2:00 A.M. and 6:00 A.M. on Saturdays, and between the hours of 2:00 A.M. and 11:00 A.M. on Sundays; provided further, however, that on January 1st of each year while this Chapter is in effect alcoholic liquor may be sold at retail pursuant to the terms of this Chapter until 4:00 A.M.; provided further, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times.
- E. **Class E**--License shall be issued for twenty-four(24) hours only. A Class "E" (formerly "D") license shall permit the sale of beer only for consumption on the premises where sold during any twenty-four (24) hour period; provided, however, that no person shall sell, dispense or pour, or give away any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M. on weekdays, and between 2:00 A.M. and 6:00 A.M. on Saturdays, and between the hours of 2:00 A.M. and 11:00 A.M. on Sundays; provided further, however, that on January 1st of each year while this Chapter is in effect alcoholic liquor may be sold at retail pursuant to the terms of this Chapter until 4:00 A.M.; provided further, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times.
- F. **Class F**--License shall be issued for a period of one year. A Class "F" (formerly "E") license shall permit the sale of any and all alcoholic liquor as defined herein, provided the liquor is sold only in its original package and not for consumption on the premises where sold. A Class "F" license shall also permit the tasting of wine or other alcoholic liquor, as an ancillary part of the primary business of selling liquor. The number of such tastings may be limited by the Local Liquor Control Commissioner, in his/her discretion. It shall be lawful for any Class F licensee to keep open for business and to admit the public to such premises each day of the week only between the hours of 6:00 A.M. and 10:00 P.M. Monday through Thursday and on Saturday, between the hours of 6:00 A.M. and 11:00 P.M. on Friday, and between the hours of 11:00 A.M. and 10:00 P.M. on Sunday; provided, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times, unless said establishment remains open for a longer period of time for the sole purpose of selling foods other than alcoholic liquor(Amended A-222-02-09)

- G. **Class G**--License shall be issued for a period of one year. A Class "G" (formerly "EE") license shall permit the sale of beer and wine (as defined herein) only, provided the beer and wine are sold only in their original package and not for consumption on the premises where sold. It shall be lawful for any Class "G" licensee to keep open for business and to admit the public to such premises each day of the week, Sundays included, only between the hours of 6:00 A.M. and 11:00 P.M. on weekdays and on Saturdays, and between the hours of 11:00 A.M. and 10:00 P.M. on Sundays; provided, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times, unless said establishment remains open for a longer period of time for the sole purpose of selling foods other than beer and/or wine.
- H. **Class H**— License shall permit the sale of alcoholic liquor on the premises designated therein for consumption by the drink on such premises only, and provided further that such sale of alcoholic liquor shall be restricted to sales made in conjunction with the licensee's operation of a restaurant on said premises, and further provided that such sale of alcoholic liquor shall not be permitted until all food services equipment is installed and fully operating and such licensed premises meet the qualifications set forth in 235 ILCS 5/1-3.23. No person shall sell, dispense or pour or give away any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M. on weekdays, and between 2:00 A.M. and 6:00 A.M. on Saturdays, and between 2:00 A.M. and 11:00 A.M. on Sundays; provided, however, that on January 1st of each year while this Chapter is in effect alcoholic liquor may be sold at retail pursuant to the terms of this Chapter until 4:00 A.M.; provided further, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times. Provided, however, notwithstanding any other provision of this Chapter, a restaurant may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premise consumption provided that the patron has purchased a meal and consumed a portion of the bottle of wine with the meal on the restaurant premises. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with shall not be deemed an unsealed container.
- I. **Class I**--Special Event Retailer. A "special event retailer" means an educational, fraternal, political, civic, religious, or non-profit organization which sells or offers for sale beer or wine, or both, only for consumption at the location and on the dates designated by a special event retail license.

"Special Event" means an event conducted by an educational, fraternal, political, civic, religious or non-profit organization.

A special event retailer's license shall allow the licensee to sell and offer for sale, at retail, beer and wine for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must also submit with the application proof satisfactory to the Liquor Control Commissioner that the applicant will provide dram shop liability insurance in the maximum limits.

A special event retail license shall be issued for a specified time period, not to exceed 15 days per license in any 12 month period. No person shall sell, dispense, pour or give away any alcoholic liquor between the hours of 1:00 A.M. and 6:00 A.M. on weekdays, and between 2:00 A.M. and 6:00 A.M. on Saturdays, and between 2:00 A.M. and 11:00 A.M. on Sundays; provided however, that on January 1st of each year while this Chapter is in effect alcoholic liquor may be sold at retail pursuant to the terms of this Chapter until 4:00 A.M.; provided further, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times. (Amended by A-222-2-90)

J. **Class J—Retailer by Delivery.** A 'retailer by delivery' means any retailer whose principal business is the sale of any and all alcoholic liquor by order and not for consumption on the premises where sold, provided that such alcoholic liquor shall at the time it leaves the premises be sealed in its original container and is privately shipped to the ultimate consumer. The Class 'J' license shall be issued for a period of one (1) year. No in-store sales shall be allowed. The only alcoholic liquor that shall be sold shall be specially packaged as gifts or novelty items. Drive-in or drive-up sales are likewise prohibited. The hours of operation shall be from 9:00 a.m. to 10:00 p.m. except on Sundays when the hours of operation will be between 11:00 a.m. and 10:00 p.m. (added by A-222-1-97)

K. **Class K – License** shall be issued for a period of one year, and only to a hotel. It shall be lawful for a Class K licensee to sell single servings of packaged beer and wine from a convenience pantry which also offers food items located at the hotel's front desk. It shall also be lawful for a Class K licensee to sell 750 milliliter (ml) bottles of wine a convenience pantry. Any such sales shall be made only to guests registered at the hotel who are 21 years of age and older, and shall not be permitted between the hours of 1:00 a.m. and 6:00 a.m. on weekdays and Saturdays and between the hours of 1:00 a.m. and 11:00 a.m. on Sundays. Any such beer and wine sold shall be sold for consumption on the premises only. (amended by A-222-01-02)

L. **Class L – License** shall permit a hotel to serve complimentary beer and wine to guests registered at the hotel who are 21 years of age and older. Such complimentary service shall be on the premises for consumption on the premises, for two hours one day a week, in conjunction with complimentary light food service. The day, hours and location in the hotel where the beer and wine will be served are subject to the approval of the Local Liquor Commissioner. Guests, prior to being served complimentary beer or wine, must provide proof that they are at least 21 years of age and that they are registered at the hotel.

A Class L licensee may also serve beer and wine on the premises to non-registered guests at the hotel for consumption on the premises, when served in conjunction with a meal or light meal served at the same location as the beer and wine. No such service shall occur between the hours of 1:00 a.m. and 6:00 a.m. on weekdays and Saturdays or between the hours of 1:00 a.m. and 11:00 a.m. on Sundays. It shall be the duty of the holder of such license to require that all persons other than employees of said establishment to leave the premises within 15 minutes after the foregoing closing times. (added by A-222-4-00)

M. **Class M License; Winery**

A Class M license shall permit the licensee to manufacture, bottle and sell, for either consumption on or off the licensed premises, up to 50,000 gallons of sparkling wine by the bottle from the licensed premises, together with the right to sell ancillary retail products

approved by the Local Liquor Commissioner. A Class M license must also apply for and receive a Class H license and conform to all provisions of this Chapter relating to said Class H licenses. A Class M licensee may also conduct sparkling wine sampling and tasting as may be permitted under the terms and conditions of its Class M license. Nothing in the issuance of a Class M license shall be considered to relieve the licensee of any responsibility for complying with all applicable state and federal regulations relating to the manufacture and/or sale of wine or other alcoholic beverages and with all applicable business and other regulations of the Village.

N. **Class N License; Special Use Permit**

Shall allow a licensee to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. The Local Liquor Control Commissioner can impose conditions as he deems appropriate on any such license. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the Local Liquor Control Commissioner that the applicant will provide dram shop liability insurance to the maximum limits. Nothing herein shall be construed to make the issuance of this special use license permit subject to the special use procedures under the Burr Ridge Zoning Ordinance.

O. **Class O License: Health/Beauty/Spas**

A Class "O" license shall permit the sale of wine and beer solely on premises that are exclusively occupied and operated as a health/beauty spa treatment facility. Such license shall permit the sale only to customers of the spa facility and only for consumption of the drink on such premises while the customer is waiting for or receiving customary spa services from the facility. It shall be lawful for any Class "O" Licensee to sell, dispense or pour or give away any such wine or beer only between the hours of 10:00 a.m. and 9:00 p.m. on weekdays and Saturdays and between the hours of Noon and 6:00 p.m. on Sundays. (A-222-02-08)

P. **Class P License**

Class P – License shall be issued for a period of one year. A Class "P" License shall permit the sale of any and all wine as defined herein, provided the wine is sold only in its original package and not for consumption on the premises where sold. A Class "P" License shall also permit the ancillary sale of other alcoholic liquor, provided that the primary business remains the sale of wine. A Class "P" License shall also permit wine tasting again solely as an ancillary part of the primary business of selling wine. The number of such wine tastings may be limited by the Local Liquor Control Commissioner in his discretion. It shall be lawful for any Class "P" licensee to keep open for business and to admit the public to such premises each day of the week only between the hours of 6 a.m. and 10 p.m. Monday through Thursday and on Saturday, and between the hours of 6 a.m. and 11 p.m. on Friday, and between the hours of 11 a.m. and 10 p.m. on Sunday. (added by A-222-03-08)

Q. **Class P-1 License (added by A-222-01-11)**

Class P-1-License shall be issued for a period of one year. A Class "P-1" License shall be

issued only to holders of a Class P License. A Class "P-1" license shall permit the sale or offer for sale of individual servings of wine and/or beer for consumption on the premises, provided that the sale of such individual servings of wine and/or beer is ancillary to the sale of packaged wine as per the Class P license and provided that there is service of pre-packaged food for consumption on the premises. All other provisions and restrictions of the Class P License, including hours of operation, shall apply to the Class P-1 License.

R. **Class Q License: Restaurant/Beer and Wine Only (added by A-222-02-12)**

A Class "Q" – License shall be issued for a period of one year. A Class "Q" License shall permit the sale of beer and wine only on the premises designated therein for consumption by the drink on such premises only, and further provided that such sale of beer and wine shall be restricted to sales made in conjunction with the licensee's operation of a restaurant on said premises, and further provided that such sale of beer and wine shall not be permitted until all food services equipment is installed and fully operating and such licensed premises meet the qualifications set forth in 235 ILCS 5/1-3.23. No person shall sell, dispense or pour or give away any such beer and wine between the hours of 12:00 Midnight and 11:00 A.M. on Mondays, Tuesdays and Wednesdays, Thursday and between 1:00 A.M. and 11:00 A.M. on Friday and between 2:00 A.M. and 11:00 A.M. on Saturday and Sunday; provided further, however, that on January 1st each year while this Chapter is in effect alcoholic liquor may be sold at retail pursuant to the terms of this Chapter until 2:00 A.M.; provided further, however, that it shall be the duty of the license holders of such establishments to require that all persons, other than employees of said establishments, leave the premises within fifteen (15) minutes after the foregoing stated closing times. Provided, however, notwithstanding any other provision of this Chapter, a restaurant may permit a patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption. A partially consumed bottle of wine that is to be removed from the premises pursuant to this Section shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent one-time use tamper-proof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron. Wine that is resealed in accordance with the provisions of this Section and not tampered with shall not be deemed to be in an unsealed container.
(amended by A-222-03-12)

The number of Class "A" licenses issued within the Village shall be limited to zero (0); the number of Class "B" licenses issued within the Village shall be limited to four (4); the number of Class "C" licenses issued within the Village shall be limited to one (1); the number of Class "D" licenses shall not be limited; the number of Class "E" licenses shall not be limited; the number of Class "F" licenses issued within the Village shall be limited to one (1); the number of Class "G" licenses issued within the Village shall be limited to one (1); the number of Class "H" licenses issued within the Village shall be limited to seven (7); the number of Class "I" licenses shall not be limited; the number of Class "J" licenses issued within the Village shall be limited to zero (0). The number of Class "K" licenses shall be limited to one (1). The number of Class "L" licenses shall be limited to one (1). The number of Class "M" licenses shall be limited to one (1). The number of class "N" licenses shall not be limited. The number of class "O" licenses shall be limited to zero (0). The number of class "P" licenses shall be limited to one (1). The number of Class "P-1" licenses shall be limited to one (1). The number of Class "Q" licenses shall be limited to one (1) (amended by A-222-02-12)

Sec. 25.10.

Restriction on Licenses

No license shall be issued to any person ineligible to receive the same by virtue of 235 ILCS §5/6-2, as amended.

Fees - Term

The fee of any **Class "A"** license granted hereunder shall be in the amount of Five Hundred (\$500.00) Dollars, plus Two Hundred (\$200.00) Dollars for each separate bar maintained on said premises over one (1). The fee for any **Class "B"** license granted hereunder shall be in the amount of Two Thousand Dollars (\$2,000.00), plus Two Hundred (\$200.00) Dollars for each separate bar maintained on the premises over one (1). The fee for any **Class "C"** license granted hereunder shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars, plus Two Hundred (\$200.00) Dollars for each separate bar maintained on the premises over one (1). The fee for any **Class "F"** license granted hereunder shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars. The fee for any **Class "G"** license granted hereunder shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars. The fee of any **Class "H"** license granted hereunder shall be in the amount of Two Thousand (\$2,000.00) Dollars, plus Two Hundred (\$200.00) Dollars for each separate bar maintained on said premises over one (1). The fee for any **Class "J"** license granted hereunder shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars. Each such license shall terminate on the 30th day of April next following its issue. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the license year. The fee for the renewal of any **Class "A"** license originally issued pursuant to the terms of this Chapter shall be in the amount of Five Hundred (\$500.00) Dollars, plus Two Hundred (\$200.00) Dollars for each separate bar maintained on said premises over one (1); the fee for renewal of any **Class "B"** license originally issued pursuant to the terms of this Chapter shall be in the amount of Two Thousand (\$2,000.00) Dollars, plus Two Hundred (\$200.00) Dollars for each separate bar maintained on said premises over one (1); the fee for the renewal of any **Class "C"** license originally issued pursuant to the terms of this Chapter shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars, plus Two Hundred (\$200.00) Dollars for each separate bar maintained on said premises over one (1); the fee for the renewal of any **Class "F"** license originally issued pursuant to the terms of this Chapter shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars; the fee for the renewal of any **Class "G"** license originally issued pursuant to the terms of this Chapter shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars; the fee for the renewal of any **Class "H"** license originally issued pursuant to the terms of this Chapter shall be in the amount of Two Thousand (\$2,000.00) Dollars, plus Two Hundred (\$200.00) Dollars for each separate bar maintained on said premises over one (1); the fee for the renewal of any **Class "J"** license originally issued pursuant to the terms of this Chapter shall be in the amount of Two Thousand Five Hundred (\$2,500.00) Dollars. The fee for any **Class "D" or Class "E"** license granted hereunder shall be Fifty (\$50.00) Dollars and shall be paid at the time the license is granted. However, the aforesaid fee shall not be applicable to such civic, benevolent, fraternal, patriotic, social or other organizations that qualify as a Not-For-Profit corporation under the General Corporation Not-For-Profit Act of the State of Illinois or to units of local government. (amended by A-222-1-97)

The fee for any **Class "I"** license granted hereunder shall be Fifty (\$50.00) Dollars per day. Each such license shall terminate as of the date indicated on the face of the license or on the 30th day of April next following its issuance, whichever is earlier. The fee for any **Class "K"** License granted shall be \$1,000.00 and the fee for any **Class "L"** License granted shall be \$1,500.00. The fee for any **Class "M"** License granted shall be \$2500.00. This fee is in addition to the fee for the required class "H" license. The fee for a **Class "N"** license shall be \$50.00 for each day specified in the license (permit). The fee for any **Class "O"** license shall be \$1,000. The fee for any **Class "P"** license granted shall be in the amount of Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00). The fee for any **Class "M"** license originally issued hereunder or being renewed hereunder is Two Thousand Five Hundred & 00/100 (\$2,500.00). The fee for the renewal of any **Class "P"** license originally issued pursuant to the terms of this Chapter shall be in the amount of

Two Thousand Five Hundred & 00/100 Dollars (\$2,500.00). The fee for a **Class “P-1”** shall be \$500 in addition to the fee for the per-requisite Class “P” license. The fee for any **Class “Q”** license shall be \$2,000.00 (amended by A-222-02-12)

Sec. 25.12. Payment of Fees

All license fees shall be paid in advance on or before the 15th day of April in each year.

Every license shall expire on April 30th following its issuance (except twenty-four (24) hour licenses).

All license fees shall be paid at the office of the Village Clerk.

In the event a license is not issued, any license fees (except the initial license expense provided for in the next section of this Chapter) which have been prepaid shall be refunded to an applicant.

All license fees collected by the Village Clerk shall be forthwith paid to the Village the Village Clerk shall keep a record of all licenses issued.

Sec. 25.13. Initial License Expense

In connection with the first application or any person, group of persons, partnership, corporation, limited liability company, or other entity applying for a license under this Chapter, said applicant shall pay at the time of such application a non-refundable initial license expense of Two Hundred Fifty Dollars (\$250.00), which shall be in addition to the license fee required in this Chapter. Such amount shall be due and paid at the time when the application is filled out and filed with the Local Liquor Control Commissioner. The initial license expense shall be for the purpose of defraying any and all costs which the Village may incur as a result of the review and investigation of said application (including live scan fingerprinting), and shall not be refunded regardless of whether the applicant is issued a license or not.

Sec. 25.14. Location

Licenses shall be issued to existing liquor establishments that are annexed to the Village subsequent to the effective date of this Chapter only if at the time of annexation they are then currently licensed by the State of Illinois and either the County of Cook or DuPage.

Sec. 25.15. Change of Location

Licenses shall permit the sale of alcoholic liquor only on the premises described in the application and license therefor. Said license shall not be transferable to any other location in the Village unless written permission is first obtained from the Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the sale of alcoholic liquor under the laws of the State of Illinois and the Codes and Ordinances of the Village.

Sec. 25.16. Transfer of License

- a. A license shall be purely a personal privilege, good for a term not to exceed the period for which the same is issued unless sooner revoked, as provided in this Chapter, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descent by the laws of testate or

intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee and the trustee of any insolvent or bankrupt licensee, when the estate consists in part of alcoholic liquor, under order of the appropriate court, may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such licensee but not linger more than six months after the death, bankruptcy or insolvency of such licensee.

- b. When the licensee is a corporation or limited liability company, the license shall terminate whenever fifty percent (50%) or more of the ownership interest therein changes from that shown on the original license application. In such event, the corporation or limited liability company, through its officers, must make application for the issuance of a new license as provided herein; provided, however, that the provisions of this subsection shall not apply where the transfer of an ownership interest is made to an owner shown on the original license application who owned fifty percent (50%) or more of the ownership interest of such corporation or limited liability company at the time the original license application was filed with the Village.
- c. When the licensee is a partnership or corporation or limited liability company, no change in ownership from that shown on the original application involving the addition of a new partner of such partnership or a new shareholder of the corporation, or a new member of the limited liability company, who will have an ownership interest in the aggregate more than five percent (5%), shall be effective until such proposed change in ownership has first been reported in writing to the local Liquor Commissioner and said Commissioner finds that the proposed new partner, shareholder or member is not ineligible under the provisions of this Chapter and so advises the licensee in writing. Any change in ownership without complying with the terms hereof shall constitute grounds for revocation of the liquor license issued pursuant hereto.
- d. Any licensee may seek to renew his license at the expiration thereof pursuant to the provisions of this Chapter provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided, further, that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the Board of Trustees from decreasing or increasing the number of licenses to be issued within the Village, nor shall it limit or restrict the right of the Village to at any time amend or repeal any or all provisions of this Chapter.
- e. Notwithstanding any other provision herein, where ownership in a sole proprietorship, partnership, limited liability company or corporation is transferred solely to any person or persons found qualified pursuant to application under this Code to hold a liquor license in the Village of Burr Ridge and proven to be a parent or a son or daughter of the prior owner and where such transfer of ownership under this Code requires the issuance of a new liquor license, no additional fee for a new liquor license shall be assessed for the year in which the transfer of ownership is made; instead, the fee for that year's liquor license shall be pro-rated between or among the owners as follows:
 - 1. the first owner shall pay the entire amount; and
 - 2. the subsequent owner shall pay a pro-rated amount based on the date on which ownership is acquired; and
 - 3. upon receipt of payment of the pro-rated amount the Village shall return to the first owner that same pro-rated amount.

Upon payment of the pro-rated amount a new license in the name of the new owner or owners shall be issued which shall be effective only for that portion of the year for which the pro-rated amount was paid.

Sec. 25.17. Licensing of Premises for Which License is Revoked

When any license hereunder shall have been revoked for any cause, no license shall be granted to any person, group of persons, partnership, firm, limited liability company, corporation or other entity for the period of one year thereafter for the conduct of the sale of alcoholic liquor in the premises described in such revoked license.

Sec. 25.18. Cessation of Business

Any licensee who ceases to do business or closes his place of business for a period of more than thirty successive days shall be subject to having his license declared forfeited and lapsed by order of the Liquor Control Commissioner.

Provided, however, if any licensee wishes to close for repairs or remodeling, the licensee shall so notify the Liquor Control Commissioner, and indicate the work to be done and the construction schedule for the work. The licensee shall also request from the Liquor Control Commissioner approval to cease doing business for such purposed, and, if approved, the Liquor Control Commissioner will indicate the period of time for which the temporary cessation has been approved in the order permitting such temporary cessation of business. If, due to not fault of the licensee, the remodeling or repairs continue for a longer period of time than originally approved, the licensee shall so notify the Liquor Control Commissioner and the order of the Liquor Control Commissioner shall then be revised accordingly if the Local Liquor Commissioner agrees to such extension of time. Such revised order shall indicate a new date for completion of all work. Provided, however, no such business shall be allowed to cease doing business for such remodeling or repairs for a period in excess of one year unless and until an extension has been granted in writing by the Local Liquor Commissioner.

There shall be no reduction or proration of the license fee for any period of time during remodeling.
(A-222-2-88)

Sec. 25.19. Liquor Control Commissioner

The Mayor/President of the Village shall be the Liquor Commissioner of the Village and shall be charged with the administration of the appropriate provisions of this Code and other Ordinances of the Village relating to alcoholic liquors.

Sec. 25.20. Powers of Liquor Control Commissioner

The Liquor Control Commissioner may appoint not more than two persons residing in the Village to assist him in the exercise of his powers and duties as Liquor Commissioner, and he shall have the following powers:

- A. To grant and suspend for not more than thirty (30) days, or revoke for cause, all licenses issued under this Chapter, and to disqualify or place conditions upon any person acting as manager or purporting to act as manager of any licensed premises.
(amended by A-222-03-08)
- B. To enter or to authorize any law enforcing officer to enter at any time upon any premises

licensed under this Chapter in order to determine whether any of the provisions of state or federal laws or this Code or other Ordinances of the Village or any rules or regulations adopted by him or the State Commission have been or are being violated, and at such time to examine said premises in connection therewith.

- C. To receive complaints from any citizens within the Village that any of the provisions of state or federal laws or this Code or other Ordinances of the Village or any rules or regulations adopted in connection with the control of the sale of alcoholic liquors have been or are being violated and to act upon such complaints in the manner provided by law.
- D. If the Liquor Control Commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community, he may, upon issuance of a written order stating the reason for such conclusion and without notice or hearing, order the licensed premises closed for not more than seven (7) days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.
- E. To appeal to the Circuit Court or any other court of competent jurisdiction any decision of the State Liquor Control Commission which reverses or modifies any order issued or penalty imposed by the Local Liquor Control Commissioner

Sec. 25.21.

Inspection

It shall be the duty of the Liquor Control Commissioner or his authorized agent, and he is hereby authorized and empowered from time to time to inspect and examine the premises wherein retail liquor business is carried on, for the purpose of ascertaining whether or not all health ordinances of the Village and provisions of this Code relative to the carrying on of such business are being complied with at such premises. Such inspection shall be made at least once each and every month during the time said licensee is engaged in such business. It shall be the duty of every such person, firm or corporation licensed under the provisions of this Chapter to permit such inspection to be made and to exhibit the premises to such persons making such inspection and a record of such inspection shall be kept on file in the office of the Liquor Control Commissioner or the Village Police Department. A failure to permit such inspection shall be sufficient cause to revoke or suspend a license for the premises.

Sec. 25.22.

Health and Sanitary Requirements

It shall be the duty of every person, firm or corporation licensed to carry on a business under the provisions of this Chapter to at all times keep the premises where such business is conducted clean and in proper sanitary condition. All persons employed or working in any such premises shall be kept clean and cleanly clothed. All utensils, appliances, vessels, receptacles, refrigerators, closets, rooms or other places or things whatsoever which are used for the purpose of selling or offering for sale, such liquors or of the storing or dispensing of the same, must at all times be kept in a clean, wholesome and sanitary condition.

Sec. 25.23.

Health of Employees - Certificates

Every person in charge of such premises shall keep himself and his employees in a clean condition and cleanly clothed and no person who has tuberculosis or venereal or communicable skin disease

or who has any infectious or contagious disease shall engage in or be employed in and about such business or such premises, or engaged in any way in the handling, preparation or distribution of alcoholic liquor. Every person in charge of such premises and his employees shall obtain and keep in effect all necessary health certificates as may be required by the Illinois Department of Public Health and/or any other government agencies, including any certificates required because the liquor establishment serves food as well as alcoholic liquor.

Sec. 25.24. Selling to Unfit Persons

No licensee shall sell, give or deliver alcoholic liquor to any person under the age of twenty-one (21) years, or to any intoxicated person, or to any person known by him to be a habitual drunkard, spendthrift or insane, feeble-minded, or under legal disability or in need of mental treatment.

Sec. 25.25. Purchase by Minor

It shall be unlawful for any person under the age of twenty-one years to purchase or obtain alcoholic liquors in any tavern or place in the Village where alcoholic liquors are sold.

For the purpose of preventing the violation of this section, any licensee or his agent or employee, may refuse to sell or serve alcoholic liquor to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is over the age of twenty-one (21) years.

Sec. 25.26. Minor Misrepresenting Age

It shall be unlawful for any person under the age of twentyone (21) years to misrepresent his or her age for the purpose of ordering, purchasing, attempting to purchase or otherwise obtaining or attempting to obtain alcoholic liquor within the Village.

Sec. 25.27. Limitation on Sale of Alcoholic Beverages

- A. No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years except in the performance of a religious ceremony or service.
- B. Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor nor have such alcoholic liquor in his possession.
- C. If a licensee or his agents or employees believes or has reason to believe that a sale or delivery of any alcoholic liquor is prohibited because of the age of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification, containing proof of age, issued by a public officer in the performance of his official duties.
- D. No person shall transfer, alter or deface any identification card; use the identification card of another; carry or use a false or forged identification card; or obtain an identification card by means of false information. No person shall purchase, accept delivery or have possession of alcoholic liquor using an identification card in violation of this Section. The consumption of alcoholic liquor by any person under 21 years of age is forbidden.
- E. The possession and dispensing to, or consumption by, a minor of alcoholic liquor in the performance of a religious service or ceremony, is not prohibited by this Section.

- F. It shall be unlawful for any holder of a retail liquor dealer's license, or his agent, representative or employee, or officer of the license holder, to suffer or permit any minor to be or remain in any room or compartment adjoining or adjacent to or situated in the room or place where such licensed premises is located; provided that this paragraph shall not apply to any minor who is accompanied by his or her parent or guardian, or to any licensed premises which derives its principal business from the sale of service or commodities other than alcoholic liquor.
- G. In addition to all other fines and penalties which may be authorized by law, the Local Liquor Control Commissioner may suspend or revoke the retail dealer's license for any violation of this Section.
- H. It shall be unlawful for any person to sell, give or deliver alcoholic liquor to minors, except as authorized by this Chapter.
- I. It shall be unlawful for anyone under the age of 21 years from attending any bar, preparing, pouring, mixing or drawing any alcoholic liquor as employee of a retail license holder; provided, however, for restaurants holding a Class H liquor license, persons who are at least 19 years of age may be employed as waiters or waitresses for the purpose of selling, serving, giving or delivering of food and alcoholic liquor on the licensed premises. (Amended by A-222-2-00)

Sec. 25.28.

Conduct of Licensee

Every licensee and every officer, shareholder, associate, member, agent, representative and employee of every licensee under this Chapter shall be subject to the following regulations, and all persons shall likewise be subject to the applicable regulations set forth below (when the term licensee is used in this Sec. 25.28, it shall be deemed to include every officer, shareholder, associate, member, manager, agent, representative and employee of the licensee):

- A. Every licensee shall conduct his place of business in a quiet, decent and respectable manner and shall eject therefrom or refuse admittance thereto all persons rendering themselves objectionable or undesirable by reason of undue noise or other acts disturbing the peace.
- B. It shall be unlawful for any licensee to give or deliver any alcoholic liquor or intoxicating beverages to a person under the influence of intoxicating liquor. Soliciting of drinks or prostitution is prohibited.
- C. Every licensee shall immediately report to the Village police any act by a person or patron rendering himself objectionable, causing undue noise or disturbance, breach of peace or unlawful conduct.
- D. No person licensed under the provisions hereof shall make or allow any loud or boisterous talking, or obscene or profane language, quarreling, singing, fighting or other disturbance of persons passing along any street or public way in the vicinity thereof or to the disturbance of the peace and quiet of persons doing business or residing in the neighborhood thereof.
- E. All licensees dispensing or serving food or alcoholic liquor shall be decently clothed. Topless or similar attire is prohibited.

F. It shall be unlawful for any persons, while acting as a waiter, waitress, bartender, entertainer, or any other position to:

1. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
2. Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair regions; or
3. Expose any portion of the female breast at or below the areola thereof.

It shall also be unlawful to allow any customer or any other person to perform any of the foregoing acts.

G. It shall be unlawful for any licensee to permit or allow any waiter, waitress, bartender, entertainer or any other employee or any person to commit any of the unlawful acts in this Section. A person shall be deemed to be a waiter, waitress, bartender or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

H. It shall be unlawful for any licensee to permit or allow any act or form of entertainment which, when considered as a whole, would be considered obscene (i.e., has its predominant appeal to prurient interests) as such term is defined by state law.

I. It shall be unlawful for any licensee to permit or allow any of the following: male or female striptease (regardless of whether they strip off all of their clothes), lingerie (either male or female) fashion shows, wet T-shirt contests, mud or jell-o wrestling or wrestling in any substance other than air, and any similar contest or performance.

J. It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease.

K. It shall be unlawful for any licensee to suffer or permit any species of card games or gambling in his premises or any part thereof or any places adjacent thereto under his control.

L. Prohibited Entertainment. It shall be unlawful to permit the following conduct on licensed premises:

1. Performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or other sexual act.
2. The actual or simulated touching, caressing or fondling of the breasts, buttocks, pubic hair, anus or genitals.
3. The actual or simulated display of the breasts, buttocks, pubic hair, anus, vulva, or genitals.

4. Permitting any person to remain upon licensed premises who exposes to public view any portion of his or her breasts, buttocks, genitals, vulva, or anus.

M. Prohibition on Campaign Contributions. Any person, applicant, liquor manager or entity listed on a Village of Burr Ridge liquor license application which has been approved or is currently pending is prohibited from directly or indirectly making campaign contributions as defined in Section 9-1.4 of the Illinois Election Code (10 ILCS 5/9-1.4) and applicable regulations (26 Ill. Adm. Code Part 100), to elected officials, or candidates for office, in the Village of Burr Ridge (A candidate for office is a person who has filed their nominating petition documents to run for elected office in the Village of Burr Ridge.). This prohibition does not apply to Class I Special Event Retailer licenses under this Code.
(Section M added by A-222-01-13)

1. Any person, applicant, liquor manager or entity found guilty of a violation of this Section may cause the licensee to be subject to fines, suspension or revocation pursuant to Sections 25.53 and 25.33(A) of this Code or may result in the non-issuance of a license to a pending applicant. In the case of a campaign contribution made to the Liquor Control Commissioner in violation of the prohibition set forth hereinabove, any actions or penalties to be taken shall be as determined by the Deputy Liquor Control Commissioner.
2. Any violation of this Section shall be reported to the Liquor Control Commissioner and to the Village Board of Trustees. No license will be suspended or revoked, and no penalties imposed under this Code, except after the applicable hearing process set forth in Section 25.33 and 25.33(A) of this Code.
3. Any licensee found guilty of a violation of this Section shall bear all hearing costs and fees incurred by the Village or Liquor Control Commissioner associated with any hearing conducted under the Code, regarding a violation of this Section.

N. Prohibition on Purchases from Commissioner. No licensee shall purchase, or offer to purchase, any product, thing or service used by or as any part of the business of the licensee from the Liquor Control Commissioner or members of the immediate family of the Liquor Control Commissioner. Immediate family (for purposes of this subsection) shall mean the spouse, children, son-in-law or daughter-in-law, parent, parent-in-law or sibling of the Liquor Control Commissioner. (Section N added by A-222-01-13)

Sec. 25.29.

Parent or Guardian

It shall be unlawful for any parent or guardian to knowingly suffer or permit any minor child of which he or she may be the parent or guardian to violate the provisions of this Chapter.

Sec. 25.30.

Acts of Agent or Employer

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Chapter by any officer, director, shareholder, manager, associate, member, representative, or other agent or employee of any licensee, shall be deemed and held to be an act of such employer or licensee and said employer or licensee shall be punishable in the same manner as if said act or omission had been done or omitted by him personally.

Sec. 25.31.

Sale, Consumption or Delivery on Government-owned or Controlled Property

Unless specifically authorized by the laws of the State of Illinois or the U.S. Government, no alcoholic liquor shall be sold on, consumed on, delivered to or on, or in the possession of any person (except in the original package and with the seal unbroken) in or on any building or property belonging to or under the control of the State or any of its political subdivisions, including but not limited to buildings, lots or parcels of real estate, public streets, rights of way, and easements. Any such sales, consumption or deliveries shall be permissible if in compliance with the requirements of Section 5/6-15 of Chapter 235 of the Illinois Compiled Statutes. (Amended by A-222-2-93)

Sec. 25.32.

Misrepresentation of Alcoholic Beverages

It shall be unlawful for any person to sell, dispense, pour, or mix any alcoholic beverage which is represented to be of a certain quantity or kind, a given brand name, or to be of certain ingredients when it is in fact different from such representation. It shall be unlawful to add to or water down any alcoholic liquor while it is in its original package, or otherwise, except when a customer orders a drink with water as a mix.

Sec. 25.33.

Revocation and Suspension of License - Procedure

The Liquor Control Commissioner shall have the right to proceed by complaint and notice of hearing to require any licensee under this Chapter to appear at a time and place specified in said notice to show cause why the license issued under this Chapter to said licensee by the Liquor Control Commissioner should not be suspended or revoked for violations of the provisions of this Chapter, rules or regulations adopted pursuant thereto or other applicable law.

All such original proceedings shall be instituted by complaint in writing, shall state the particular provision, rule or regulation alleged to be violated and a general statement of the facts upon which such allegation is based and shall be signed by the Liquor Control Commissioner.

The licensee against whom complaint has been filed shall be entitled to be served with a copy of the complaint and shall be given notice of the time and place set for the hearing of said complaint.

Said complaint and notice of hearing shall be served on the licensee named therein, not less than three (3) days prior to the date specified in said notice of hearing unless a different time limit is required under existing law, and if such is so required, notice shall be served in compliance with said time period. The licensee shall be given the opportunity to appear and defend.

Said licensee named in said complaint and notice of hearing shall appear at the time and place designated in said notice of hearing and at such hearing shall have all protections and rights allowed under law from time to time; provided, however, the failure of the licensee to appear and/or defend shall not impair the power of the Local Liquor Commissioner to either suspend, revoke, or not renew the license for cause.

The Local Liquor Control Commissioner shall within five (5) days after such hearing, if he determines after such hearing that the license should be revoked, suspended or non-renewed, state the reason or reasons for such determination in a written order of revocation, suspension, or non-renewal, and shall serve a copy of the order within said five (5) days upon the licensee.

The licensee, after the receipt of the order of suspension or revocation shall have the privilege, within a period of twenty (20) days after the receipt of such order of suspension or revocation, of appealing the order to the Illinois Liquor Control Commission. If and only if such right exists under

Illinois law, the licensee shall have the similar right to appeal any decision of non-renewal within said twenty (20) day period to the Illinois Liquor Control Commission.

The notice of hearing required hereunder shall be served on the licensee either personally or by registered or certified mail, return receipt requested. If served by certified or registered mail, the licensee shall be conclusively deemed to be served three (3) calendar days after such notice was deposited in the United States mail.

Different or additional procedures from those provided by this Chapter may be established from time to time governing complaints and hearings provided for herein upon being instituted by the Liquor Control Commissioner and approved by the Mayor and Board of Trustees.

Sec 25.33 (A)

Disqualification and Suspension of Manager – Procedures

The Liquor Control Commissioner shall have the right to proceed by complaint and notice of hearing to require any manager managing a business in a licensed premises under this Chapter to appear at a time and place specified in said notice to show cause why the manager should not be suspended or disqualified to act as manager for violations of the provisions of this Chapter, rules or regulations adopted pursuant thereto or other applicable law.

All such original proceedings shall be instituted by complaint in writing, shall state the particular provision, rule or regulation alleged to be violated and a general statement of the facts upon which such allegation is based and shall be signed by the Liquor Control Commissioner.

The manager against whom complaint has been filed shall be entitled to be served with a copy of the complaint and shall be given notice of the time and place set for the hearing of said complaint.

Said complaint and notice of hearing shall be served on the manager named therein, not less than three (3) days prior to the date specified in said notice of hearing unless a different time limit is required under existing law, and if such is so required, notice shall be served in compliance with said time period. The manager shall be given the opportunity to appear and defend.

Said manager named in said complaint and notice of hearing shall appear at the time and place designated in said notice of hearing and at such hearing shall have all protections and rights allowed under law from time to time; provided, however, the failure of the manager to appear and/or defend shall not impair the power of the Local Liquor Commissioner to either suspend or disqualify said manager, or place conditions on the continued functioning of said manager if not disqualified.

The Local Liquor Control Commissioner shall within five (5) days after such hearing, if he determines after such hearing that the manager should be disqualified, suspended or conditions placed on his continued operation as manager, state the reason or reasons for such determination in a written order of disqualification, suspension and/or conditions, and shall serve a copy of the order within said five (5) days upon the manager. The decision of the Local Liquor Control Commissioner shall be final.

The notice of hearing required hereunder shall be served on the manager either personally or by registered or certified mail, return receipt requested. If served by certified or registered mail, the manager shall be conclusively deemed to be served three (3) calendar days after such notice was deposited in the United States mail.

Different or additional procedures from those provided by this Chapter may be established from time

to time governing complaints and hearings provided for herein upon being instituted by the Liquor Control Commissioner and approved by the Mayor and Board of Trustees.

Sec. 25.34. Other Ordinances and Laws to Apply

Nothing in this Chapter shall excuse or relieve the licensee, owner, proprietor, and/or other person in charge of any place within the Village where alcoholic liquor is sold from the restrictions and requirements of any other Chapters of this Code, other Ordinances of the Village, and/or of the statutes of the State of Illinois or of the United States of America. The failure of any licensee, owner, proprietor, and/or other person in charge of any such establishment to obey and/or comply with said Code, Ordinances, and/or statutes shall be a violation hereof and shall also constitute cause for the suspension, revocation, and/or termination of any liquor license issued by the Village. (Amended by A-222-2-98)

Sec. 25.35. Penalty

Any person, firm, or corporation violating any provisions of this Chapter shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for the first violation within a 12 month period, nor more than One Thousand Five Hundred Dollars (\$1,500.00) for the second violation within the same 12 month period, nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for a third or subsequent violation within said 12 month period. The maximum fines for any person, firm, or corporation within a single 12 month period shall be Fifteen Thousand Dollars (\$15,000.00). In addition thereto, the Liquor Control Commissioner shall have the power to revoke, suspend or not renew licenses granted under this Chapter pursuant to its provisions. (Amended by A-222-3-00)

Sec. 25.36. Liquor Sales on Election Day

Alcoholic beverages may be sold at retail on the day of any national, state, county, or municipal elections, including primary elections, during the hours the polls are open within the corporate boundaries of this Village.

Sec. 25.37. Village Hearings - Testimony Required

As a condition attached to the issuance of, or renewal of, a liquor license hereunder, it shall be the duty of each licensee to require all owners, officers, agents, and employees of licensee to testify (subject to any constitutional restrictions) at any hearing that may be conducted by the Village, or any of its committees, commissions, boards or agencies, or the Local Liquor Commissioner, regardless of whether they would otherwise be subject to subpoena power, when such hearings may relate directly or indirectly to any events or occurrences of which they may have knowledge arising out of their position as owner, officer, agent or employee of the licensee. It shall further be the duty of licensee to inform all such owners, officers, agents, and employees of their duty to testify hereunder, and licensee shall make the same a condition of employment for all licensee's employees.

If any such officer, agent, or employee fails or refuses to testify to the full extent of their knowledge at any such hearing when requested so to do by the Village, such failure shall be deemed to constitute a violation of this Section by licensee, unless such failure to refusal is based upon a constitutional right to not so testify.

The violation of the provisions of this Section shall constitute due cause for the non-renewal,

suspension and/or revocation of the license of the Licensee. Any such non-renewal, suspension or revocation shall be effective only after compliance with the procedures and provisions set forth in Sec. 25.33 hereof, or otherwise in conformity with law. The suspension, revocation or non-renewal of such licensee shall be an additional remedy and shall not prevent or exclude a prosecutorial action(s) for a fine under Sec. 25.35 hereof.

Sec. 25.38.

Persons Ineligible for License

No license shall be issued to and no individual shall be eligible to act as a manager for a licensee if the proposed licensee or manager is:

- A. A person who is not of good character and reputation in the community in which he resides.
- B. A person who is not a citizen of the United States.
- C. A person who has been convicted of a felony under any Federal or State law, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.
- D. A person who has been convicted of being the keeper or is keeping a house of ill fame or prostitution, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant. (amended by A-222-03-08)
- E. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality or involving moral turpitude, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant. (amended by A-222-03-08)
- F. A person who has been convicted of a felony or misdemeanor under any Federal or State law dealing with or regulating alcoholic liquor, drugs, cannabis sativa, or controlled substances as defined under any such law, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant. (amended by A-222-03-08)
- G. A person whose license issued under this Ordinance has been revoked for cause, or any person who applies as an individual but who was a partner in a partnership or an officer, manager or director of a corporation, or member of a limited liability company, or individual with at least a five percent (5%) ownership interest in an entity which previously has had a license revoked, is ineligible.
- H. A person who has had a license issued by any other unit of government which has been revoked for cause, unless the Liquor Control Commissioner determines that such person

has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant. (amended by A-222-03-08)

- I. A person who has had a license issued under this Ordinance or by any other unit of government which has been suspended, if the Local Liquor Control Commissioner determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust and to have issued him a license. The burden of proof of sufficient rehabilitation shall be on the applicant.
- J. A partnership, unless all of the members of such partnership shall be qualified to obtain a license.
- K. A corporation, or limited liability company, if any officer, member, manager or director thereof, or any individual owning in the aggregate more than five percent (5%) of the entity, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the Village.
- L. A corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois and a limited liability company unless it is duly organized under the Illinois Limited Liability Company Act.
- M. A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.
- N. A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or has forfeited his bond to appear in court to answer charges for any such violation.
- O. A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.
- P. Any law enforcing public official of the Village, including the Local Liquor Control Commissioner, Village Trustees, and no such official shall be interested in any way, either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises which are not located within the Village, if the issuance of such license is approved by the State Liquor Control Commission.
- Q. A person who is not a beneficial owner of the business to be operated by the licensee.
- R. A person who has been convicted of a gambling offense under the laws of the State of Illinois as heretofore or hereafter amended, unless the Liquor Control Commissioner determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Liquor Control Commissioner's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant. (amended by A-222-03-08)
- S. A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the Federal Government for a prior or current tax period.

- T. A partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the Federal Government for a prior or current tax period; or if any of the partners have been issued a federal gaming device stamp or federal wagering stamp by the Federal Government for a prior or current tax period.
- U. A corporation, or limited liability company if any officer, manager, member or director thereof, or any individual owning in the aggregate more than five percent (5%) of the entity, shall have been issued a federal gaming device stamp, or a federal wagering stamp, for a prior or current tax period.
- V. Any premises for which a federal gaming device stamp, or a federal wagering stamp has been issued by the Federal Government for the period within which the license is to be effective.

Sec. 25.39.

Inapplicability of Chapter to Certain Types of Alcohol

- A. The provisions of this chapter shall not apply to alcohol used in the manufacture of denatured alcohol; to any liquid or solid containing 0.5% or less of alcohol by volume; to flavoring extracts, concentrates, syrups, or medicinal, mechanical, scientific, culinary, or toilet preparations; or to food products unfit for beverage purposes. However, provisions of this chapter shall not be construed to exclude or not apply to alcoholic liquor used in the manufacture, preparation, or compounding of such products.
- B. The provisions of this chapter shall not apply to wine intended for use or used by any church or religious organization for sacramental purposes.
- C. The provisions of this chapter shall not prevent any duly licensed, practicing physician or dentist from possessing or using any alcoholic liquor in the strict practice of his profession; any hospital or other institution caring for sick and diseased persons from possessing alcoholic liquor for the treatment of bona fide patients of that hospital or other institution; or prevent any licensed pharmacist from possessing and using alcoholic liquors in the preparation of prescriptions written by duly licensed physicians.

Sec. 25.40

Sales in Certain Areas Prohibited

- A. No license shall be issued for the sale at retail of an alcoholic liquor within 100 feet of any church, school, hospital, home for aged or indigent persons, or for veterans, their spouses or children, or any military or naval station. However, this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops, or other places where the sale of alcoholic liquors is not the principal business carried on, if that place of business so exempted has been established for such purposes prior to the taking effect of ILCS Ch. 235, Act 5 § 6-11, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within 100 feet of any church or school where that church or school has been established within such 100 feet since the issuance of the original license. In the case of a church, the distance of 100 feet shall be measured to the nearest part of any building used for worship services or educational programs (as determined in accordance with any applicable statutory provisions or judicial decisions) and not to property boundaries.
- B. No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of

school age or where the principal business transacted consists of school books, school supplies, food, lunches, or drinks for such minors.

- C. Nothing in this Section shall prohibit the issuance of a license to a church or private school to sell at retail alcoholic liquor if any such sales are limited to periods when groups are assembled on the premises solely for the promotion of some common object other than the sale or consumption of alcoholic liquors.

Sec. 25.41

Happy Hours Prohibited

- A. All retail licensees shall maintain a schedule of the prices charged for all drinks of alcoholic liquor to be served and consumed on the licensed premises or in any room or part thereof. Whenever a hotel or multi-use establishment which holds a valid retailer's license operates on its premises more than one establishment at which drinks of alcoholic liquor are sold at retail, the hotel or multi-use establishment shall maintain at each such establishment a separate schedule of the prices charged for such drinks at that establishment.
- B. No retail license or employee or agent of such licensee shall:
1. Serve 2 or more drinks of alcoholic liquor at one time to one person for consumption by that one person, except conducting product sampling or selling or delivering wine by the bottle or carafe;
 2. Sell, offer to sell or serve to any person an unlimited number of drinks of alcoholic liquor during any set period of time for a fixed price, except at private functions not open to the general public;
 3. Sell, offer to sell or serve any drink of alcoholic liquor to any person on any one date at a reduced price other than that charged other purchasers of drinks on that day where such reduced price is a promotion to encourage consumption of alcoholic liquor, except as authorized in paragraph (7) of subsection (C) of this Section;
 4. Increase the volume of alcoholic liquor contained in a drink, or the size of a drink of alcoholic liquor, without increasing proportionately the price regularly charged for the drink on that day;
 5. Encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or the awarding of drinks of alcoholic liquor as prizes for such game or contest on the licensed premises; or
 6. Advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under paragraphs (1) through (5) above
- C. Nothing in subsection (B) shall be construed to prohibit a licensee from:
1. Offering free food or entertainment at any time;
 2. Including drinks of alcoholic liquor as part of a meal package;
 3. Including drinks of alcoholic liquor as part of a hotel package;

4. Negotiating drinks of alcoholic liquor as part of a contract between a hotel or multi-use establishment and another group for the holding of any function, meeting, convention or trade show;
 5. Providing room service to persons renting rooms at a hotel;
 6. Selling pitchers (or the equivalent, including but not limited to buckets), carafes, or bottles of alcoholic liquor which are customarily sold in such manner, or selling bottles of spirits, and delivered to two or more persons at one time; or
 7. Increasing prices of drinks of alcoholic liquor in lieu of, in whole or in part, a cover charge to offset the cost of special entertainment not regularly scheduled.
- D. A violation of this Section shall be grounds for suspension or revocation of the licensee's liquor license.

Sec. 25.42

Safety Provisions

- A licensee may not permit the use of any pyrotechnic device within its licensed premises unless the lead pyrotechnic operator and distributor possesses a valid state pyrotechnic license and also has received a permit from the village. A licensee, or any agent or employee of that licensee, may not use mace, pepper spray, or any other toxic air-released compound within its licensed premises. Violation of this subsection (A) by any licensee or any employee or agent of a licensee is due cause for revocation of the license.
- B. No person may impede any person who is attempting to exit the premises of a licensee due to an emergency that constitutes a threat to the health or safety of persons within the licensed premises. For the purpose of this provision, the term "impede a person who is attempting to exit" includes physically restraining the person or blocking or locking an exit while the licensed premises is open to the public. Violation of this subsection (B) is due cause for revocation of the license.
- C. A licensee where premises has an authorized capacity (i) of at least 250 persons, (ii) or otherwise set by the State Fire Marshal, or (iii) otherwise set by local ordinance, whichever is lowest, must place a panic bar on each exit of its licensed premises. A licensee whose premises has an authorized capacity of at least 500 persons that conducts live entertainment within its premises must, before the commencement of the live entertainment, make an announcement to the patrons of the licensed premises that generally informs those patrons of the locations of exits and fire escapes at the licensed premises.
- D. A licensee shall not permit occupancy of the licensed premises in excess of the maximum occupancy load requirements established from time to time by the village or the Local Liquor Control Commissioner. Each licensee must post and continuously maintain a sign located in a conspicuous place (approved by the village) on the licensed premises indicating such maximum occupancy load for the licensed premises. If such overcrowding were to occur the licensee, its agents and/employees shall immediately remedy the same by requiring a sufficient number of individuals to leave the premises. If such reduction to at most the maximum occupancy load requirement is not immediately accomplished, the licensed premises shall be immediately closed and shall not re-open

until the situation has been reviewed by the Local Liquor Control Commissioner. Such overcrowding is considered a serious offense and may result in revocation of the license. Such overcrowding event shall be documented in accordance with such policy or policies established from time to time by the village or the Local Liquor Control Commissioner.

Sec. 25.43

Appeals

- A. Pursuant to the provisions of ILCS Ch. 235, Act 5 § 7-9, any appeal authorized thereunder from an order of the Local Liquor Control Commissioner shall be limited to a review of the official record of the proceedings of the Local Liquor Control Commissioner, and it is hereby resolved that such review shall be solely on the record.
- B. A certified official record of any proceeding that is subject to appeal under the provisions of ILCS Ch. 235, Act 5 § 7-9, before the Local Liquor Control Commissioner shall be taken and prepared by a certified court reporter or certified shorthand reporter and shall be filed by the Local Liquor Control Commissioner with the State Liquor Commission within five days after notice is received by the Local Liquor Control Commissioner of the filing of an appeal from an order of the Local Liquor Control Commissioner.
- C. The Liquor Control Commissioner shall have the power and right to appeal to the Circuit Court or any other court of competent jurisdiction any decision of the State Liquor Control Commission which reverses or modifies any order issued or penalty imposed by the Local Liquor Control Commissioner.
(amended by A-222-03-08)